

Superfund/Oil Program Implementation Manual FY 02/03

Appendix H: Community Involvement

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Appendix H Community Involvement

Table of Contents

H.A FY 01 TARGETS AND MEASURES	H-1
H.A.1 Overview of FY 02/03 Community Involvement Targets/Measures	H-1
a. Community Advisory Groups (CAGs)/Restoration Advisory Boards (RABs)/ Site-Specific Advisory Boards (SSABs)	H-1
b. Technical Assistance Grants (TAGs)	H-2
c. Technical Outreach Services for Communities (TOSC)	H-3
H.B CIOC DATA SPONSOR RESPONSIBILITIES	H-3
H.B.1 Role of CIOC as a Data Sponsor	H-3
H.B.2 National Program Requirements and the Data Sponsor Role	H-4
Program Goals and Objectives	H-4
Statutory Mandates	H-4
Regulatory and Policy Requirements	H-4
Superfund Reforms	H-11
Reauthorization, Congressional Inquiries and Audits	H-11
H.B.3 CIOC Headquarters and Regional Organization	H-11
H.B.4 Program Monitoring and Reporting	H-12
Data Quality	H-12
Management Reports	H-13
Coding Guidance	H-13
Modifications	H-13
H.C Subject Matter Experts	H-13

Appendix H
Community Involvement

List of Exhibits

EXHIBIT H.2	COMMUNITY INVOLVEMENT REQUIREMENTS	H-5
EXHIBIT H.3	CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES	H-12
EXHIBIT H.4	SUBJECT MATTER EXPERTS	H-13

APPENDIX H COMMUNITY INVOLVEMENT

H.A FY 02/03 TARGETS AND MEASURES

H.A.1 OVERVIEW OF FY 02/03 COMMUNITY INVOLVEMENT TARGETS/MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the progress each Region is making towards achieving the GPRA targets and annual performance goals. Actual GPRA objectives do not include any community involvement activities.

The following pages contain the definitions of the FY 02/03 community involvement activities: Community Advisory Group Program, Restoration Advisory Group Program, Site Specific Advisory Group Program, Technical Assistance Grant Program, and Technical Outreach Services for Communities.

a. COMMUNITY ADVISORY GROUPS (CAGs)/RESTORATION ADVISORY BOARDS (RABs)/SITE-SPECIFIC ADVISORY BOARDS (SSABs)

Definition:

Community Advisory Groups (CAGs) are public forums for people with diverse community interests to formally present and discuss their needs and concerns about a site in their neighborhood. CAGs may receive help from EPA; State, Tribal and local governments; and universities in such areas as supporting and participating in training, and assisting with administrative support and meeting facilitation.

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. Restoration Advisory Boards (RABs) provide a forum through which members of nearby communities can provide input to DoD's environmental restoration program.

RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

Definition of Accomplishment:

CAG Established Date: The establishment of the Community Advisory Group is defined as the date (Actual Start) of the first meaningful (not interest finding) Community Advisory Group Meeting (Action Name = Community Advisory Group).

CAG Closeout Date: Date CAG (Action Name = Community Advisory Group) is completed/closed out (Actual Complete) by EPA and the CAG.

RAB/SSAB Start (Established) Date: The actual start of the RAB/SSAB is defined as the actual start date (Actual Start) of the initial RAB/SSAB information meeting (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

RAB Completion (Adjourned) Date: The actual completion (Actual Complete) date of the ‘Restoration Advisory Board’ (SubAction Name = Restoration Advisory Board) is the date the RAB is adjourned by DoD.

SSAB Completion (Terminated) Date: The actual completion (Actual Complete) date of the ‘Site-Specific Advisory Board’ (SubAction Name = Site-Specific Advisory Board) is the date the SSAB is terminated by the Secretary of Energy.

Changes in Definition FY 01 - FY 02/03:

Added definition for CAG Closeout date. Modified RAB and SSAB start definition.

Special Planning/Reporting Requirements:

None

b. TECHNICAL ASSISTANCE GRANTS (TAGs)

Definition:

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. This technical assistance allows communities to improve the decision making process at their sites.

Definition of Accomplishment:

The start of the TAG (Action Name = Technical Assistance Grant) is the signature of the award agreement to the community group which is the obligation of funds for the TAG. The completion of the TAG is the date the grant is closed out by the Region.

Changes in Definition FY 01 - FY 02/03:

Modified TAG Action Name for consistency with WasteLAN.

Special Planning/Reporting Requirements:

The Region must also enter the following information into WasteLAN:

- Total Dollar Amount of Grant; and
- Initial Dollar Amount of Grant; and
- Waiver Amount, if applicable; or
- Deviation Amount, if applicable.

Planned start and completion dates are not required in WasteLAN. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at non-Federal facility sites are contained in the response budget and found in the other response AOA. Funds for TAGs at Federal facility sites are contained in the Federal facility budget and found in the Federal facility AOA.

c. TECHNICAL OUTREACH SERVICES FOR COMMUNITIES (TOSC)

Definition:

TOSC provides independent scientific and technical assistance to communities dealing with hazardous substance contamination questions. TOSC provides information and education to empower communities with an understanding of technical issues to more effectively participate in environmental decisions. TOSC is a service of the university-based Hazardous Substance Research Centers (HSRCs) which are, in part, supported by grants from EPA.

Definition of Accomplishment:

The start of the TOSC is the date when the MOU (Memo of Understanding) is signed, which is the date of the commitment between the community and the HSRCs. The date the MOU is signed should be reported in WasteLAN as the actual start date (Actual Start) of the TOSC. (Action Name = Technical Outreach Services to Communities.

Changes in Definition FY 01 - FY 02/03:

Language regarding the start of a TOSC in the Definition of Accomplishment was modified.

Special Planning/Reporting Requirements:

The Region must indicate on the Community Organizations Information screen that the organization is a TOSC recipient.

H.B CIOC DATA SPONSOR RESPONSIBILITIES

H.B.1 ROLE OF CIOC AS A DATA SPONSOR

This document clarifies the relationship among data sponsors and data owners. Under the direction of the *Community Involvement and Outreach Center (CIOC)*, this document presents Superfund data and reporting requirements needed to accomplish the following goals:

- Enhance discussion among data sponsors and data owners;
- Improve data quality; and
- Update Superfund reporting requirements by fully employing the information in WasteLAN to meet all statutory and management reporting requirements (e.g., CFO Act, CERCLA) on a real-time basis.

In the past, Headquarters has pulled CERCLIS data on the fifth working day of each month to support national reporting and significant calendar events. During FY 97, WasteLAN was implemented nationally and is the official data source for all national reporting. The transition to WasteLAN enables EPA to conduct real-time reporting which requires data to be current, complete, and consistent. Real-time reporting supports ad hoc requests, as well as statutory and management reporting requirements.

Community Involvement data are to be made available to Headquarters to support the purpose and to assist the data sponsor in meeting the program objectives. Significant calendar events for Community Involvement are included to identify what is current (i.e., reporting, special initiatives, etc.), complete (i.e., planned project schedules), and consistent with programmatic drivers.

H.B.2 NATIONAL PROGRAM REQUIREMENTS AND THE DATA SPONSOR ROLE

The following statutory, policy, and management requirements establish the mandate for meeting the program requirements described in the rest of this Appendix. A description of program goals and objectives, statutory mandates, regulatory and policy requirements, as well as subsequent program reforms and redirection in measuring program results are included in this section.

Program Goals and Objectives

The goal of Superfund's community involvement program is to encourage communications with affected citizens and participation in decision-making. Community involvement is not a phase in Superfund, like a removal or remedial cleanup action, but rather it is an integral part of the entire process that benefits both the public and EPA. The program has three main objectives:

- Giving the public the opportunity to comment on and provide input into technical decisions that affect their lives;
- Informing the public of planned or ongoing activities and keeping them apprised of the nature of the environmental problem, the threats it may pose, the responses under consideration, and the progress that is being made; and
- Focusing and resolving conflict (conflict may be unavoidable in some circumstances, but it can be constructive if it brings into the open alternative viewpoints).

Statutory Mandates

Sections 113, 117, and 122 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), established eight principle requirements for community involvement:

- Developing a locally available administrative record;
- Establishing a locally available information repository;
- Notifying the public of the release of the Remedial Investigation/Feasibility Study (RI/FS) and Proposed Plan, and in the case of removal actions with a planning period of at least six months, the engineering evaluation/cost analysis (EE/CA);
- Providing a public comment period on the RI/FS, Proposed Plan, and EE/CA;
- Holding a public meeting on the RI/FS and Proposed Plan; Developing a meeting transcript;
- Providing notice and comment period on the Administrative Order on Consent or Consent Decree; and
- Developing a responsiveness summary on comments received on the RI/FS, Proposed Plan and EE/CA.

Regulatory and Policy Requirements

Section 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and subsequent policy directives and guidance documents establish the requirements for community involvement through every phase of Superfund's cleanup process. These requirements are presented Exhibit H.2.

EXHIBIT H.2
COMMUNITY INVOLVEMENT REQUIREMENTS

Site Activity	Requirement(s)	Citation (Source)
For All Removal Actions		
Designate an Agency Spokesperson (Community Involvement Coordinator)	The Agency must designate a spokesperson to inform the public about the release and actions taken, to respond to questions, and to notify immediately affected citizens, State and local officials and, when appropriate, civil defense or emergency management agencies.	NCP, Section 300.415(m)(1)
Administrative Record	The Agency must establish an administrative record and make the administrative record available to the public at a central location at or near the site, if applicable.	SARA Section 113(k); NCP Section 300.820
For Removal Actions with Planning Period of Less Than Six Months		
Notice and Availability of Administrative Record	Within 60 days of the start of on-site removal activity, the lead Agency must make the administrative record available to the public and issue a notice of availability in a major local newspaper of general circulation.	NCP Sections 300.415(m)(2)(I) and 300.820(b)(1)
Public Comment Period	The Agency must provide a public comment period, if appropriate, of not less than 30 days from the time the administrative record is made available for public inspection.	NCP Section 300.415(m)(2)(ii)
Response to Significant Comments	The Agency must prepare a written response to significant comments.	NCP Section 300.415(m)(2)(iii)

Site Activity	Requirement(s)	Citation (Source)
For Removal Actions Expected to Extend Beyond 120 Days		
Community Interviews	By the end of the 120-day period, the Agency must conduct interviews with local officials, public interest groups, or other interested parties to determine their concerns and information needs, and to learn how citizens would like to be involved in the Superfund process.	NCP Section 300.415(m)(3)(I)
Community Involvement Plan (CIP)	The Agency must prepare a CIP, based on community interviews and other relevant information, that specifies the community involvement/outreach activities the Agency plans to undertake during the response. The Agency must complete this CIP within 120 days of the start of on-site removal activity.	NCP Section 300.415(m)(3)(ii)
Information Repository Establishment and Notification/ Notice of Availability of Administrative Record	Within 120 days of the start of on-site removal activity, the Agency must establish at least one information repository at or near the location of removal actions that contains items available for public inspection and copying. The Agency must inform the public of the establishment of the information repository and provide notice of the availability of the administrative record in the repository.	NCP Section 300.415(m)(3)(iii)
For Removal Actions with a Planning Period of at Least Six Months		
Community Interviews and Community Involvement Plan (CIP)	The Agency must follow the same procedures as outlined in the previous section, except that staff must conduct interviews and prepare a CIP prior to completion of the engineering evaluation/cost analysis (EE/CA)	NCP Section 300.415(m)(4)(I)
Information Repository Establishment and Notification/ Notice of Availability of Administrative Record	The Agency must follow the same procedures as outlined in the previous section, except that staff must establish the information repository and make the administrative record available no later than the signing the EE/CA approval memorandum	NCP Section 300.415(m)(4)(I)

Site Activity	Requirement(s)	Citation (Source)
For Removal Actions with a Planning Period of at Least Six Months		
Notice of Availability/ Description of EE/CA	The Agency must publish a notice of availability and a brief description of the EE/CA in a major local newspaper of general circulation.	NCP Section 300.415(m)(4)(ii)
Public Comment Period	Upon completion of the EE/CA, the Agency must provide at least 30 days for the submission of written and oral comments. The Agency must extend this comment period at least 15 days upon timely request.	NCP Section 300.415(m)(4)(iii)
Responsiveness Summary	The Agency must prepare a written response to significant comments and make this responsiveness summary available to the public in the information repository.	NCP Section 300.415(m)(iv)
Remedial Responses		
Prior to Remedial Investigation (RI)		
Community Interviews	The Agency must hold on-site discussions with local officials and community members to assess their concerns and determine appropriate community involvement activities.	NCP Section 300.430(c)(2)(I)
Community Involvement Plan (CIP)	The Agency must develop and approve a complete CIP based on community interviews before RI field activities start.	NCP Section 300.430(c)(2)(ii) (A-C)
Information Repository	The Agency must establish an information repository to contain items developed, received, published, or made available pursuant to SARA Section 117. The Agency must make these items available for public inspection and copying and inform interested citizens of the establishment of the information repository.	SARA Section 117(d); NCP Section 300.430(c)(2)(iii)
Technical Assistance Grant (TAG) Notification	The Agency must inform the public of the availability of TAGs and include in the information repository material that describes the TAG application process.	NCP Section 300.430(c)(2)(iv)

Site Activity	Requirement(s)	Citation (Source)
Upon Commencement of Remedial Investigation		
Administrative Record	The Agency must establish an administrative record. The Agency must consider the participation of interested persons when developing the administrative record.	SARA Section 113(k); NCP Section 300.815
Administrative Record Notification	The Agency must publish a notice of availability of the administrative record in a major local newspaper of general circulation.	NCP Section 300.815
Upon Completion of the Feasibility Study (FS) and Proposed Plan		
RI/FS and Proposed Plan Notification and Analysis	The Agency must publish a notice of the availability of the RI/FS and proposed plan, including a brief summary of the proposed plan, in a major local newspaper of general circulation. The notice also must announce a comment period.	SARA Section 117(a); NCP Section 300.430(f)(3)(I)(A)
Public Comment Period on RI/FS and Proposed Plan	The Agency must provide at least 30 days for the submission of written and oral comment on the RI/FS and proposed plan. This comment period will be extended by a minimum of 30 additional days upon timely request.	SARA Section 117(a)(2); NCP Section 300.430(f)(3)(c)
Public Meeting	The Agency must provide an opportunity for a public meeting to be held at or near the site during the comment period.	SARA Sections 113 and 117(a)(2); NCP Section 300.430(f)(3)(I)(E)
Meeting Transcript	The Agency must prepare a meeting transcript and make it available to the public.	SARA Section 122(I); NCP Section 300.430(c)(5)(I)
Responsiveness Summary	The Agency must prepare a response to significant comments, criticisms, and new data submitted on the proposed plan and RI/FS, and ensure that this response document accompanies the ROD.	SARA Sections 113 and 117(b); NCP Section 300.430(f)(3)(I)(F)

Site Activity	Requirement(s)	Citation (Source)
Pre-ROD Significant Changes		
Discussion of Significant Changes	Upon determination that such changes could be reasonably anticipated by the public, the Agency must include in the ROD a discussion of significant changes and the reasons for such changes.	NCP Section 300.430(f)(3)(ii)(A)
Revised Proposed Plan and Public Comment	Upon determination that such changes could not have been reasonably anticipated by the public, the Agency must issue a revised proposed plan that includes a discussion of the significant changes and the reasons for such changes. The Agency must seek additional public comment on the revised proposed plan.	NCP Section 300.430(f)(3)(ii)(B)
After the ROD is Signed		
ROD Availability and Notification	The Agency must make the ROD available for public inspection and copying at or near the site prior to the commencement of any remedial action. Also, the Agency must publish a notice of the ROD's availability in a major local newspaper of general circulation. The notice must state the basis and purpose of the selected action.	NCP Section 300.430(f)(6)
Revision of the CIP Site Activity	Prior to the remedial design, the Agency should revise the CIP, if necessary, to reflect community concern, as discovered during interviews and other activities, that pertains to the remedial design and construction phase.	NCP Section 300.435(c)(1)
Post-ROD Significant Changes		
<i>Differs significantly from remedy in terms of scope, performance, or costs:</i>		
Notice and Availability of Explanation of Significant Differences	The Agency must publish a notice that briefly summarizes the explanation of significant differences and the reasons for such differences in a major local newspaper, and make the explanation of significant differences and supporting information available to the public in the administrative record and information repository.	NCP Section 300.435(c)(2)(I)(A) and (B)

Site Activity	Requirement(s)	Citation (Source)
Post-ROD Significant Changes (cont'd)		
<i>Fundamentally alters the basic features of the selected remedy with respect to scope, performance, or cost;</i>		
Notice of Availability/Brief Description of Proposed ROD Amendment	The Agency must propose an amendment to the ROD and issue a notice of availability and a brief description of the proposed amendment in a major local newspaper of general circulation.	NCP Section 300.435(c)(2)(ii)(A)
Public Comment Period, Public Meeting, Meeting Transcript, and Responsiveness Summary	The Agency must follow the same procedures as that required for completion of the FS and proposed plan.	NCP Section 300.435(c)(2)(ii)(B)-(F)
Notice and Availability of Amended ROD	The Agency must publish a notice of availability of the amended ROD in a major local newspaper and make the amended ROD and supporting information available for public inspection and copying in the administrative record and information repository prior to commencement of the remedial action affected by the amendment.	NCP Section 300.435(c)(2)(ii)(G) and (H)
Remedial Design (RD)		
Fact Sheet and Public Briefing	Upon completion of the final engineering design, the Agency must issue a fact sheet and provide a public briefing, as appropriate, prior to beginning remedial action.	NCP Section 300.435(c)(3)
NPL Additions		
Publication of Proposed Rule and Public Comment Period	EPA must publish the proposed rule in the <i>Federal Register</i> and seek comments through a public comment period.	NCP Section 300.425(d)(5)(I)
Publication of Final Rule and Response to Comments	EPA must publish the final rule in the <i>Federal Register</i> and respond to significant comments and significant new data submitted during the public comment period.	NCP Section 300.425(d)(5)(ii)

Site Activity	Requirement(s)	Citation (Source)
NPL Deletions		
Public Notice and Public Comment Period	EPA is required to publish a notice of intent to delete in the <i>Federal Register</i> and provide notice of the availability of this announcement in a major local newspaper. EPA must also provide a comment period of at least 30 days on the proposed deletion.	NCP Section 300.425(e)(4)(I) and (ii)
Public Access to Information	Copies of information supporting the proposed deletion must be placed in the information repository for public inspection and copying.	NCP Section 300.425(e)(4)(iii)
Response to Significant Comments	EPA must respond to each significant comment and any significant new data submitted during the comment period and include these responses in the final deletion package.	NCP Section 300.425(e)(4)(iv)
Availability of Final Deletion Package	The final deletion package must be placed in the local information repository once the notice of final deletion has been published in the <i>Federal Register</i> .	NCP Section 300.425(e)(5)

Superfund Reforms

Since 1993, EPA has launched three round of reforms to address criticisms raised by affected parties and to improve the pace, cost and public participation aspects of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. The following are reforms related to the Community Involvement area: Community Advisory Groups; Technical Assistant Grants (TAGs), Community Involvement in the Enforcement Process Pilots, Pilot Remedy Selection by Selected States and Tribes, Pilot Community Based Remedy Selection, Superfund Ombudsman in Every Region, and Improve Communication with Superfund Stakeholders.

Reauthorization, Congressional Inquiries, and Audits

WasteLAN is the primary data source to support Reauthorization and Congressional inquiries, as well as questions from the Inspector General (IG), and General Accounting Office (GAO). An example of inquires specific to the Community Involvement program area is the number of Technical Assistance Grants provided.

H.B.3 CIOC HEADQUARTERS AND REGIONAL ORGANIZATION

To meet these national program requirements, specific roles and responsibilities have been identified for the Headquarters' and Regional staff that work in the Community Involvement program area. The table below summarizes each of these positions along with their responsibilities.

EXHIBIT H.3
CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES

Title	Responsibilities
Community Involvement and Outreach Center (CIOC) (HQ)	Facilitate WasteLAN staying closely aligned with the Superfund program, including developing and updating guidance that requires submission of these data for national reporting needs, maintaining and updating data element definitions, and developing and implementing the process of gathering, reviewing and entering the data into WasteLAN.
Director, CIOC (HQ)	Provide a synergy to create useful program policy and guidance to help the Regions achieve program goals. Act as the central point of contact for the Regions and is responsible for providing Regional coordination support.
CIOC Staff (HQ) and Community Involvement Managers (CIMs) (Regions)	Participate in program reviews, as well as prepare periodic reports on Regional accomplishments, progress on problems, and respond to quick turn-around, site specific requests for information from senior management for Congressional requests, Regional visits or other needs. Serves as a forum for sharing information, lessons learned and issues on community involvement activities.
CIMs, Remedial Project Managers (RPMs) and On Site Coordinators (OSCs) (Regions)	Ensure all data necessary to meet the requirements(s) are in WasteLAN to support their Regional reporting needs and commitments to Headquarters.
Community Involvement Coordinators (CICs) (Regions)	As the data owner, provide current, complete, and consistent data into WasteLAN that are necessary to met real-time reporting requirements and review data that are provided in hard copy or electronically submitted.
Information Management Coordinator (IMC) (Regions)	Coordinate with the CICs to ensure all data necessary to support reporting requirements are in WasteLAN on a real-time basis.
Budget Coordinator (Regions)	Ensure all data necessary to support the Regional budget are in WasteLAN prior to specified calendar events.

H.B.4 PROGRAM MONITORING AND REPORTING

Each reporting and associated data acquisition requirement specific to *Community Involvement* is discussed below. The detail includes: data quality objectives, data needs, as well as reports and associated coding guidance.

Data Quality

One of the goals of the *Community Involvement* data sponsor is to ensure data quality which requires data to be correctly entered into WasteLAN. Although the methodology of acquiring and reviewing data may change over time, both will contain a quality assurance (QA) process to ensure data quality.

Current, complete, and consistent data in WasteLAN will meet the *Community Involvement* data sponsor goals and objectives, as well as support real-time reporting. The following defines what the *Community Involvement* data sponsor views as current, complete, and consistent data:

Current - Data need to be entered as actions occur.

Complete - For the particular data element, all needed information is provided.

Consistent - Data should be consistent nationally. Also, within WasteLAN, data should be entered consistent with the data element definitions. The data entered should be entered using the same standard across all Regions/HQ.

Management Reports

SCAP-04 (TAGs)

WasteLAN provides the data necessary to support ad hoc requests as they relate to Reauthorization, GAO, and IG.

Coding Guidance

The coding guidance for SCAP measures will be reflected in the FY 01 Coding Guide.

Modifications (since last update)

Send all proposed changes to the appropriate data sponsor for review and approval and copy the Regional IMC. After the review of the proposed changes is completed, the data sponsor will send the changes to Robert White for review by Headquarters and Regional principals including Subject Matter Experts, Data Sponsors, and Senior Process Managers, if applicable. The preferred method is to mark-up a photo-copy of text you seek to change. The SPIM is a numbered EPA publication in loose leaf 3-ring binder format so that changes can be incorporated accordingly.

H.C Subject Matter Experts

The following exhibit identifies the subject matter experts for Appendix H, Community Involvement.

EXHIBIT H.4 Subject Matter Experts

Subject Matter Expert	Subject Area	Phone #
Leslie Leahy	Community Involvement	(703) 603-9929
Suzanne Wells	Community Involvement	(703) 603-8863

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